

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

**CHRISTIAN HAMPTON
ADC #162105**

PLAINTIFF

v.

No. 3:21-cv-77-DPM

**NATHAN WILLIAMS, Sergeant,
Grimes Unit; MICHAEL COCHRAN,
Sergeant, Grimes Unit; CLINTON
BAKER, Lieutenant, Grimes Unit;
and JOHN MOSS, Sergeant, Grimes Unit**

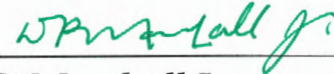
DEFENDANTS

ORDER

The Court adopts the Magistrate Judge's unopposed partial recommendation, *Doc. 35*. FED. R. CIV. P. 72(b) (1983 addition to advisory committee notes). One clarification: the recommendation states that Grievance GR-20-01098 "does not contain mention of retaliation." *Doc. 35 at 8*. The grievance does state, "I'm also asking to be protected from further retaliation by the Grime[s] unit staff." *Ibid*. But Hampton's complaint doesn't claim that the attack itself was retaliatory. Instead, it alleges that the Defendants filed a retaliatory false disciplinary against Hampton after the attack. *Doc. 2 at 8*. The passing reference to "further retaliation" in the grievance did not mention the disciplinary—likely because the hearing took place after the grievance was filed. *Doc. 2 at 9 & 14*. The grievance was therefore

insufficient to exhaust a retaliatory discipline claim. Motion for partial summary judgment, *Doc. 25*, granted. Hampton's excessive force claim against Cochran goes forward. All other claims and Defendants are dismissed without prejudice for failure to exhaust.

So Ordered.



D.P. Marshall Jr.
United States District Judge

17 November 2021